

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ZUNUM AERO INC ,

Plaintiff(s),

v.

THE BOEING COMPANY ET AL.,

Defendant(s).

Case No. 2:21-cv-00896-JLR

MINUTE ORDER SETTING TRIAL
DATES AND RELATED DATES

JURY TRIAL DATE

SEPTEMBER 11, 2023

Length of Jury Trial

8 days

Preliminary infringement contentions and
disclosure of asserted claims

June 17, 2022

Deadline for joining additional parties

October 21, 2021

Deadline for amending pleadings

March 15, 2023

Disclosure of preliminary invalidity contentions

July 8, 2022

Reports from expert witnesses regarding

Markman issues due

August 5, 2022

Rebuttal expert reports regarding Markman issues due

September 1, 2022

Preliminary Claim Chart

September 16, 2022

Joint claim chart and Prehearing Statement

October 12, 2022

Opening claim construction briefs due
(24 pages per side)

November 4, 2022

Responsive claim construction briefs due (24 pages per side)	November 18, 2022
<u>Markman</u> hearing at 09:00 AM on	December 23, 2022
Reports from expert witnesses under FRCP 26(a)(2) due	February 10, 2023
Rebuttal expert reports due	March 10, 2023
All motions related to discovery must be filed by (see LCR 7(d))	
Discovery completed by	March 31, 2023
All dispositive motions and motions challenging expert witness testimony must be filed by (see LCR 7(d))	May 9, 2023
Settlement conference per LCR 39.1(c)(2) held no later than	June 9, 2023
All motions in limine must be filed by	
All motions in limine shall be filed as one motion	August 11, 2023
Agreed pretrial order due	August 24, 2023
Pretrial conference to be held at 02:00 PM on	August 28, 2023
Trial briefs , proposed voir dire questions and jury instructions	September 5, 2023

These dates are set at the direction of the Court after reviewing the joint status report and discovery plan submitted by the parties. All other dates are specified in the Local Rules. If any of the dates identified in this order or the Local Rules fall on a weekend or federal holiday, the act or event shall be performed on the next business day. These are firm dates that can be changed only by order of the court, not by agreement of counsel or the parties. The court will alter these dates only upon good cause shown: failure to complete discovery within the time allowed is not recognized as good cause.

If the Markman hearing or trial dates assigned to this matter create an irreconcilable conflict, counsel must notify Ashleigh Drecktrah, Deputy Clerk, at (206) 370-8520 within 10 days of the date of this order and must set forth the exact nature of the conflict. A failure to do so will be deemed a waiver.

The parties shall comply with the procedures outlined in the court's **Standing Order** as to all patent claim construction issues. PLEASE NOTE: The court will not rule on dispositive motions that raise issues of claim

1 construction prior to the hearing, unless special circumstances warrant
2 and leave of court is obtained in advance of filing.

3 As required by Local Rules W.D. Wash LCR 37(a), all discovery matters
4 are to be resolved by agreement if possible. In addition, pursuant to
5 Federal Rule of Civil Procedure 16, the Court "direct[s] that before
6 moving for an order relating to discovery, the movant must request a
7 conference with the court" by notifying Ashleigh Drecktrah at
8 (206) 370–8520. See Fed. Rule Civ.P. 16(b)(3)(B)(v). Counsel are further
9 directed to cooperate in preparing the Joint Claim Chart and final pretrial
10 order in the format required by LCR 16.1, except as ordered below.

11 The original and one copy of any exhibits to be used at the Markman
12 hearing and/or trial are to be delivered to chambers five days before the
13 trial date. Each exhibit shall be clearly marked. Exhibit tags are available
14 at the Clerk's Office. The Court hereby alters the LCR 16.1 procedure for
15 numbering exhibits: Plaintiff's exhibits shall be numbered beginning with
16 1. Defendant's exhibits shall be numbered consecutively beginning with
17 500. Duplicate documents shall not be listed twice; once a party has
18 identified an exhibit in the pretrial order, any party may use it. Each
19 set of exhibits shall be submitted in a three–ring binder with
20 appropriately numbered tabs.

21 Counsel must be prepared to begin trial on the date scheduled, but it
22 should be understood that the trial may have to await the completion of
23 other cases.

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1 Should this case settle, counsel shall notify Ashleigh Drecktrah, Deputy
2 Clerk, at (206) 370–8520, as soon as possible. An attorney who fails to give the
3 Deputy Clerk prompt notice of settlement may be subject to such discipline
4 as the court deems appropriate.

5 A copy of this Minute Order shall be mailed to all counsel of record.
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8 DATED: September 23, 2021

9 s/ Ashleigh Drecktrah

10 Ashleigh Drecktrah, Deputy Clerk to
11 Hon. James L. Robart, Judge
12 (206) 370–8520
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